UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAR 0 5 2010

Richard McDonough
CVISN Project Manager
Office of Safety and Security Services
New York State Department of Transportation
50 Wolf Road – Pod 53
Albany, NY 12232

Dear Mr. McDonough:

The Environmental Protection Agency (EPA) has reviewed the draft Design Report/ Environmental Assessment (draft DR/EA) issued by the U.S. Department of Transportation, Federal Highway Administration (FHWA) and New York State Department of Transportation (NYSDOT) for Champlain Border Crossing, Town of Champlain, Clinton County, New York. This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C 7609, PL 91-604 12 (a), 84 Stat. 1709), the National Environmental Policy Act (NEPA) and the Council on Environmental Quality's regulations for implementing NEPA (40 CFR Parts 1500-1508).

The draft DR/EA analyzed the potential environmental impacts of the proposed Dedicated Commercial Vehicle Inspection Facility and Border Crossing. The analysis assesses three alternatives, including the no action alternative. The design and construction of the facility will allow both the NYSDOT and the New York State Police (NYSP) to significantly increase the number and quality of commercial vehicle weight enforcement credentials screening, and safety inspection activities performed at the international border with Canada along the I-87 corridor.

EPA's comments are below:

- We are encouraged that FHWA and NYSDOT have considered storm-water basins in the overall site design in order to maintain the same amount of recharge to local ground water regime and other stormwater management practices. EPA would like to further encourage the FHWA, NYSDOT and the contractors on this project to implement all possible green practices and techniques during the design and operation of the project. For example, Low Impact Development (LID) is an approach to land development (or re-development) that works with nature to manage storm water as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product and would be an excellent approach to minimize impacts of the vehicle parking. http://www.epa.gov/nps/lid/

- Air emissions from diesel vehicles and equipment during operation and construction will include particulate matter ($PM_{2.5}$ and PM_{10}). To reduce the potential health and environmental impacts of these pollutants in the park area and to improve the conditions for workers, the installation of diesel particulate filters (DPF) on construction equipment should be considered. DPFs can reduce diesel particulate emissions by 90 percent for stationary and non-stationary diesel equipment. To learn more about this technology and its application, you may reference DPFs at http://www.epa.gov/oms/retrofit/nonroad-list.htm or contact us directly.

- Several building and operations features offering multiple benefits, including energy efficiency, water conservation, and healthy indoor air quality, should be considered during renovations. Applying building rating systems and tools, such as Energy Star, Energy Star Indoor Air Package, and Water Sense can significantly reduce the environmental footprint of the facility. The following link identifies and explains these opportunities. http://www.energystar.gov/.

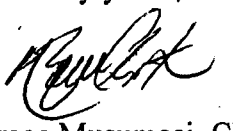
- EPA is encouraged that FHWA and NYSDOT are considering alternative sources of energy like geothermal, solar, wind power and fuel cell systems to meet the energy needs. EPA recommends obtaining electricity from alternative and/or renewable sources. The U.S. Department of Energy offers the newly developed Renewable Energy Incentive Program. The program provides incentives and support services needed for participants to build renewable energy projects using solar, wind and biopower technologies. In addition, the Department of Energy's "Green Power Network" (GPN) provides information, markets and technical assistance that can be used to supply alternative generated electricity. The following link identifies several suppliers of renewable energy in New York: http://apps3.eere.energy.gov/greenpower/buying/buying_power.shtml?state=NY.

- The Department of Energy's Federal Energy Management Program's (FEMP) mission is to facilitate the Federal Government's implementation of sound, cost-effective energy management and investment practices to enhance the nation's energy security and environmental stewardship. FEMP provides assistance to federally funded projects through project transaction services, applied technology services, and decisions support services. http://www1.eere.energy.gov/femp/

- EPA noted that a discussion of the potential permits, including Section 404 permits from the U.S. Army Corps of Engineers, was incorporated into this document. The proposed alternatives, as described in Section 1.3, will have adverse impacts to wetlands due to the project scope. We would like to emphasize the need for FHWA and NYSDOT to mitigate the impacts to wetlands within and surrounding the project areas.

We are enclosing a factsheet that identifies other green recommendations which may or may not directly apply to your projects for your information. Thank you for the opportunity to comment on the draft DR/EA. If you have any questions, please call Charles Harewood of my staff at (212) 637-3753.

Sincerely yours,



for Grace Musumeci, Chief
Environmental Review Section

Enclosure

U.S. EPA Region 2
Green Recommendations[1]

Recommendations:

To the maximum extent possible, projects are encouraged to use local and/or recycled materials; to recycle materials generated onsite; and to utilize low emissions technology and fuels. Further, they should use, to the extent feasible, renewable energy (including, but not limited to solar, wind, geothermal, biogas, and biomass) and energy efficient technology in the design, construction, and operation of transportation, building, and infrastructure projects.

- **ENERGY STAR/Multi-media green building and land design practices**
  Require green building practices which have multi-media benefits, including energy efficiency, water conservation, and healthy indoor air quality. Apply building rating systems and tools, such as Energy Star, Energy Star Indoor Air Package, and Water Sense for stimulus funded building construction. Third party high-bar, multimedia standards should be required for building construction and land design (LEED and Sustainable Sites Initiative, Collaborative for High Performance Schools (CHPS), or local equivalent).
  http://www.usgbc.org/DisplayPage.aspx?CMSPageID=64
  http://www.energystar.gov/index.cfm?c=business.bus_bldgs
  http://www.energystar.gov/index.cfm?c=bldrs_lenders_raters.nh_iap

- **Encourage water conservation in building construction**
  Promote the use of water-efficient products to be used in new building construction through the use of WaterSense-labeled products and the use of contractors certified through a WaterSense-labeled program. http://www.epa.gov/watersense/water/fed-agency.htm

- **Encourage Low Impact Development to help manage storm water**
  Low Impact Development (LID) is an approach to land development (or re-development) that works with nature to manage storm water as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product. http://www.epa.gov/nps/lid/

- **Alternative and Renewable Energy**
  The Department of Energy's "Green Power Network" (GPN) provides information and markets that can be used to supply alternative generated electricity. The following link identifies several suppliers of renewable energy. http://apps3.eere.energy.gov/greenpower/buying/buying_power.shtml?state=NJ

[1] "Green" here means environmentally sound practices in general and is not equivalent to the specific "green infrastructure" requirements in the American Recovery and Reinvestment Act (ARRA). Please note that this list is not meant to be all inclusive.

- **Ensure clean diesel practices**
  Implement diesel controls, cleaner fuel, and cleaner construction practices for all on- and off-road equipment used for transportation, soil movement, or other construction activities, including:
  1) Strategies and technologies that reduce unnecessary idling, including auxiliary power units, the use of electric equipment, and strict enforcement of idling limits;
  2) Use of ultra low sulfur diesel fuel in nonroad applications ahead of the mandate; and
  3) Use of the cleanest engines either through add-on control technologies like diesel oxidation catalysts and particulate filters, repowers, or newer, cleaner equipment
  Encourage entities to consider adopting contract specifications requiring advanced pollution controls and clean fuels. A model spec is online at (applies to both on and non-road engines):
  http://www.northeastdiesel.org/pdf/NEDC-Construction-Contract-Spec.pdf
  Additional Information: http://www.epa.gov/diesel/construction/contract-lang.htm
  How to guide: http://www.mass.gov/dep/air/diesel/conretro.pdf

- **Promote the use of recycled materials in highway and construction projects**
  Many industrial and construction byproducts are available for use in road or infrastructure construction. Use of these materials can save money and reduce environmental impact. The Recycled Materials Resource Center has developed user guidelines for many recycled materials and compiled existing national specifications. http://www.recycledmaterials.org/tools/uguidelines/index.asp
  http://www.recycledmaterials.org/tools/uguidelines/standards.asp
  http://www.epa.gov/osw/conserve/rrr/imr/index.htm

- **Encourage safe reuse and recycling of construction wastes**
  Promote reuse and recycling at the 50% (by weight) level for building, road, and bridge project construction and demolition debris wastes. The *Federal Green Construction Guide for Specifiers* includes a construction waste management specification.
  http://www.wbdg.org/design/greenspec_msl.php?s=017419

- **Encourage sustainable storm water management at building sites**
  Implement site planning, design, construction, and maintenance strategies to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the building site with regard to the temperature, rate, volume, and duration of flow.
  http://cfpub.epa.gov/npdes/home.cfm?program_id=298
  Consider designs for storm water management on compacted, contaminated soils in dense urban areas:
  http://www.epa.gov/brownfields/publications/swdp0408.pdf.

- **Encourage cost-efficient, environmentally friendly landscaping**
  EPA's GreenScapes program provides cost-efficient and environmentally friendly solutions for landscaping. Designed to help preserve natural resources and prevent waste and pollution, GreenScapes encourages companies, government agencies, other entities, and homeowners to make more holistic decisions regarding waste generation and disposal and the associated impacts on land, water, air, and energy use. http://www.epa.gov/osw/conserve/rrr/greenscapes/index.htm

- **Incorporate onsite energy generation and energy efficient equipment upgrades into projects at drinking water and wastewater treatment facilities**
  Promote the use of captured biogas in combined heat and power systems and/or renewable energy (wind, solar, etc.) to generate energy for use onsite as well as upgrades to more energy efficient equipment (pumps, motors, etc.)
  http://www.epa.gov/waterinfrastructure/bettermanagement_energy.html

- **Encourage land development in brownfield and infill sites**
  Cleaning up and reinvesting in these properties takes development pressures off of undeveloped, open land, and both improves and protects the environment. These sites are often "infrastructure-ready," eliminating the need to build new roads and utility lines which are necessary in undeveloped land. http://www.epa.gov/brownfields/

- **Use the Integrated Design process on building developments**
  Current procurement practices tend to separate out development into distinct stages that discourage communication across the project lifecycle. The Integrated Design process calls for the active and continuing engagement of all stakeholders throughout the building design, development, and construction phases including the owners, architects, engineers, building department officials, and other professionals. This process can help create a higher performing building at lower costs, allows for various building systems to work together, eliminates redundancy from overdesign and unnecessary capacity, and minimizes change orders during the construction phase. We encourage revising procurement practices so that it can use the Integrated Design process.
  http://www.wbdg.org/design/engage_process.php

- **Encourage use of Smart Growth and transit oriented development principles**
  Smart Growth and transit oriented development (TOD) principles help preserve natural lands and critical environmental areas, and protect water and air quality by encouraging developments that are walkable and located near public transit.
  http://www.epa.gov/smartgrowth

- **Ensure environmentally preferable purchasing**
  Promote markets for environmentally preferable products by referencing EPA's multi-attribute Environmentally Preferable Purchasing guidance. http://www.epa.gov/epp

- **Purchase 'green' electronics, and measure their benefits**
  Require the purchase of desktop computers, monitors, and laptops that are registered as Silver or Gold products with EPEAT, the Electronics Product Environmental Assessment Tool (www.epeat.net). Products registered with EPEAT use less energy, are easier to recycle, and can be more easily upgraded than non-registered products. Energy savings, CO_2 emission reductions, and other environmental benefits achieved by the purchase, use and recycling of EPEAT-registered products can be quantified using the Electronics Environmental Benefits Calculator (http://eerc.ra.utk.edu/ccpct/eebc/eebc.html).

- **Incorporate greener practices into remediation of contaminated sites**
  Encourage or incentivize the use of greener remediation practices, including designing treatment systems with optimum energy efficiency; use of passive energy technologies such as bioremediation and phytoremediation; use of renewable energy to meet power demands of energy-intensive treatment systems or auxiliary equipment; use of cleaner fuels, machinery, and vehicles; use of native plant species; and minimizing waste and water use. http://cluin.org/greenremediation/index.cfm